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October 6, 2006

*Via Electronic Filing*

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Re: WT Docket Nos. 96-86, 06-150, 06-169  
*Ex Parte Communication*

Dear Ms. Dortch:

Submitted herewith for inclusion in the record of the above-referenced proceeding is a letter sent today by Michael Gottdenker, Chairman and CEO of Access Spectrum, LLC to Kenneth P. Moran, Acting Chief, Public Safety & Homeland Security Bureau, Federal Communications Commission, regarding Access Spectrum's proposal for the 700 MHz band.

Sincerely,

/s/ Gunnar D. Halley  
Gunnar D. Halley

cc: Kenneth P. Moran  
Michael Wilhelm  
John Evanoff  
Zenji Nakazawa

Attachment

Michael I. Gottdenker  
Chairman & CEO

October 6, 2006

Mr. Kenneth Moran  
Acting Chief  
Public Safety & Homeland Security Bureau  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

Re: WT Docket Nos. 96-86, 06-150, 06-169  
Written ex parte presentation

Dear Mr. Moran:

Motorola recently filed an *ex parte* notice<sup>1</sup> in which it described October 3<sup>rd</sup> meetings with staff of the Public Safety and Homeland Security Bureau and the Wireless Telecommunications Bureau. In these meetings, Motorola discussed options to meet the communications needs of public safety and Critical Infrastructure and commercial operations in the 700 MHz band.

Our understanding is that Motorola has reached two primary conclusions: (1) the adoption of the Broadband Optimization Plan<sup>2</sup> would not result in *any* incremental cost for deployed radios that are not yet operating on 700 MHz; and (2) assuming that other issues can be addressed, Motorola prefers the Broadband Optimization Plan with its

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<sup>1</sup> *Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010; Service Rules for the 698-746, 747-762 and 777-792 MHz Bands; Former Nextel Communications, Inc. Upper 700 MHz Guard Band Licenses and Revisions to Part 27 of the Commission's Rules*, WT Docket Nos. 96-86, 06-150 and 06-169, Letter to Ms. Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, from Steve B. Sharkey, Director, Spectrum and Standards Strategy, Motorola, Inc. (filed Oct. 4, 2006).

<sup>2</sup> *See The Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010*, WT Docket No. 96-86, Comments of Access Spectrum, L.L.C., Columbia Capital III, LLC, Intel Corporation, and Pegasus Communications Corporation, at 13-14 (June 6, 2006).

modification as described in its *ex parte* to the Motorola/UTC proposal it previously submitted.<sup>3</sup>

Motorola's presentation indicates "very high confidence" that the dual-band radios that are currently operating in the 800 MHz band can operate on the new narrowband channels proposed in the Broadband Optimization Plan without any change in hardware or firmware, indicating that it has solved the issue of reprogramming costs for public safety dual-band radios. For those radios that are not yet operating on 700 MHz, the changes would involve no incremental cost and could be made through code plug programming, a process that would need to be performed even if the band plan were not changed. Hence, Motorola has addressed APCO, IACP and IAFC's concerns about the costs of reprogramming the dual-band radios which were raised in its July 31, 2006 letter.<sup>4</sup>

It is our expectation that the remaining issues will also be addressed expeditiously. We will discuss the significant progress that has been made in our upcoming filings in the *A&B Block* proceeding. Quick resolution of the remaining issues will enable the FCC to act promptly in the *700 MHz Public Safety* proceeding.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Wilhelm", with a stylized flourish at the end.

cc: Michael Wilhelm  
John Evanoff  
Zenji Nakazawa

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<sup>3</sup> See *Former Nextel Communications, Inc. Upper 700 MHz Guard Band Licenses and Revisions to Part 27 of the Commission's Rules; Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010*, Notice of Proposed Rulemaking, 21 FCC Rcd 10413, ¶¶ 37-38 (2006).

<sup>4</sup> See *Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010*, WT Docket No. 96-86, Letter to Ms. Catherine Seidel, Acting Chief, Wireless Telecommunications Bureau, Federal Communications Commission, from Wanda McCarley, President, APCO International, Harlin R. McEwen, Chairman, IACP Communications & Technology Committee, and Alan Caldwell, Senior Advisor, Government Relations, International Ass'n of Fire Chiefs (filed July 31, 2006).